

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID MADDOX,

Plaintiff,

v.

CALIFORNIA DEPT. OF CORRECTIONS, et
al.,

Defendants.

CASE NO. 1:02 CV-5225 DLB P

ORDER DENYING PLAINTIFF'S MOTION
FOR STAY OF PROCEEDINGS

(Doc. 81)

ORDER REQUIRING DEFENDANTS TO
RE-SERVE PLAINTIFF WITH MOTION
FOR SUMMARY JUDGMENT

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 8, 2008, this court ordered plaintiff to file an opposition or statement of non-opposition to defendants' motion for summary judgment.

On May 29, 2008, plaintiff filed a motion for a stay of proceedings (Doc. 81). Plaintiff states that he cannot respond to defendants' motion for summary judgment because he never received a copy of their motion materials.

Plaintiff's motion for a stay of proceedings is denied. Defendants shall re-serve plaintiff with their motion for summary judgment and shall file with the court a declaration of service. Plaintiff shall respond to defendants' motion within thirty (30) days from the date of service of defendants' motion, by filing an opposition or a statement of non-opposition. If plaintiff fails to file a response, the court will recommend that this action be dismissed, with prejudice, for failure to obey a court order and failure to prosecute.

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1 IT IS SO ORDERED.

2 **Dated: June 30, 2008**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE